

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

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97-9711

DATE: May 19, 1997

TO: All Individuals and Groups Interested in the Activities of the  
Commission on Teacher Credentialing

FROM: Sam Swofford, Ed.D.  
Executive Director

SUBJECT: Proposed Amendment of Section 80509 of Title 5, California Code of  
Regulations, Pertaining to Commission Appeals

**Notice of Public Hearing is Hereby Given:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

July 18, 1997  
10:00 am  
Hilton Hotel  
2200 Harvard  
Sacramento, CA

**Statement of Reasons**

Section 80509 allows the Commission to review appeals of applications denied by Commission staff on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements for the credential requested. This section refers to the multiple subject, single subject, special education specialist, and the administrative services credential. The problems are the following:

- a. It does not specifically require the appellant to meet all other statutory requirements for the credential sought.
- b. The minimum requirements for appealing is ill-defined because it is not limited to the criteria noted in §80509.
- c. The criteria used to define appropriate experience used in lieu of student teaching for the Multiple and Single Subject and Special

Education Teaching Credentials is not explicit and allows the use of teaching that is not representative of the current California public school classroom.

- d. The regulations do not specifically state that an institution with an accredited teacher preparation program must state that an appellant has completed all requirements for the credential except student teaching.
- e. Existing regulations allow individuals to appeal even if they have been denied admission to student teaching because of a low grade point average.
- f. The Commission must rely on the letters evaluating experience for information about the individual's knowledge of pedagogy.
- g. An individual may appeal for administrative services credential.

### **Purpose of Proposed Action**

The Commission is seeking to clarify the problems experienced by the Appeals and Waivers Committee. The amendments to §80509 clearly state that an appellant must complete all statutory requirements for the credential being sought. The changes also outlines the appropriate experience which can be used in lieu of student teaching. The amendments would require the appellant to demonstrate his or her pedagogical approaches to teaching. The final change is to eliminate the seldom used appeal for an administrative service credential.

### **Rationale for Proposed Regulations**

*§80509(a)*-The proposed changes clarify that an applicant must complete the statutory requirements stated in Section 80413 of Title 5 Regulations. The changes make a distinction between the qualifications for the preliminary credential and professional clear credential because an applicant may qualify for either credential. The addition to this section pertaining to Section 80048.2(b) of Title 5 Regulations clarifies the requirements for the Education Specialist Instructional Credential. The deletion of *but not limited to* clarifies that an appeal may only be requested based on the requirements listed in Section 80509.

### ***Multiple and Single Subject Teaching Credential***

*§80509(a)(1)*-The proposed addition of *in California* clarifies that the teaching experience be completed in California. The California classroom is unique from most other states for a variety of reasons including the diversity of cultures and languages represented. It would be impossible to establish the equivalence of general education teaching experience from another state to that of California.

*§80509(a)(1)(A)4*.-This proposed amendment adds a recency requirement to the section. If the entire experience is older than three years, it would not reflect teaching in “today’s” classroom. Teaching experience is dynamic and a teacher

must keep current with the changes. This recency requirement will help to verify that an individual is aware of current classroom practices.

*§80509(a)(1)(A)3.*-The deletion of *hours or* is being proposed because the wording did not refer to the one semester equivalent. The change clarifies the method to determine the equivalency of one semester.

*§80509(a)(1)(B)1.*-This proposed addition requires a university or college with a teacher preparation program accredited by the Committee on Accreditation to verify in writing that the applicant has met all of the requirements stated in §80413 that are appropriate to the credential being sought. This proposed requirement assures the Commission that the only portion of the teacher preparation program being appealed is student teaching.

*§80509(a)(1)(B)2.*-This proposal will remove the option that an appellant may request that the Commission accept experience in lieu of student teaching when a university or college has determined that the appellant did not meet academic admission standards.

*§80509(a)(1)(C).*-This proposed addition defines where an acceptable teaching experience may be acquired. The accreditation by the Western Association of Schools and Colleges assures that the institution verifying an applicants competence and performance has itself been reviewed by an accrediting body.

*§80509(a)(1)(D).*-This proposed change will demonstrate to the Commission that the appellant has met the minimum acceptable standards established by the employer. The requirement applies only to the last year of experience because evaluators often use “needs improvement” or “unsatisfactory” in areas for beginning teachers as a means to observe and record professional growth. Requiring that an appellant reach a satisfactory or better evaluation will demonstrate that professional growth has been achieved.

*§80509(a)(1)(F).*-This proposed amendment clarifies that the experience must only be in the primary subjects to be listed on the credential for it to be acceptable for the three years of experience as stated in §80509(a).

*§80509(a)(1)(F)1.*-The proposed addition allows the Commission to accept other non-traditional settings such as prison schools, hospitals, continuation and alternative schools, youth authority schools or studio teaching.

*§80509(a)(1)(F)2.*-This proposal acknowledges that the subject matter curriculum in a self-contained special education classroom is similar to the multiple subject classroom. However, there are sufficient differences between the two settings. The proposed amendment would restrict the use of special education teaching to meet one half of the required experience.

*§80509(a)(1)(G).*-The regulations require the employer of the appellant to verify his or her “competence and performance” on standards required for student

teaching. This proposed change will also allow the Commission to review a written statement from the appellant that would demonstrate the individuals pedagogical approaches to teaching.

*§80509(a)(2)*-This proposed change makes the eight years of teaching experience in a general education classroom a separate option, but it is still tied to the requirements for the three years of teaching experience. The addition that the baccalaureate degree be completed prior to the eight years of experience brings it in line with option 1.

*Specialist Instruction Credential in Special Education*

*§80509(a)(3)*-The proposed addition of *in California* clarifies that the student teaching requirement being appealed must be completed in California. The California classroom is unique for a variety of reasons including diversity of cultures and languages represented. It would be impossible to establish the equivalence of special education teaching experience from another state to that of California.

*§80509(a)(3)(A)3*.-The proposed amendment adds a recency requirement to the section. If the entire experience is older than three years, it would not reflect teaching in “today’s” classroom. Teaching experience is dynamic and a teacher must keep current with the changes. This recency requirement will help to verify that an individual is aware of the current classroom practices.

*§80509(a)(3)(B)1*.-The proposed amendment requires a university or college with a teacher preparation accredited by the Committee on Accreditation to verify in writing that the applicant has met all of the requirements stated in §80048.2(b) This proposed requirement assures the Commission that the only portion of the teacher preparation program being appealed is student teaching.

*§80509(a)(3)(C)*-This proposed addition defines where an acceptable teaching experience may be acquired. Special education students are taught either in the public schools or non-public, non-sectarian schools and agencies licensed by the California Department of Education, therefore the experience needs to be in one of these settings to be acceptable for the appeal.

*§80509(a)(3)(D)*-This proposed change will demonstrate to the Commission that the appellant has met the minimum acceptable standards established by the employer. The requirement applies only to the last year of experience because evaluators often use “needs improvement” or “unsatisfactory” in areas for beginning teachers as a means to observe and record professional growth. Requiring that an appellant reach satisfactory or better evaluation will demonstrate that professional growth has been achieved.

*§80509(a)(3)(G)*-The regulations require the employer of the appellant to verify his or her “competence and performance” on standards required for student teaching. This proposed change will also allow the Commission to review a

written statement from the appellant that would demonstrate the individuals pedagogical approaches to teaching.

*Administrative Services Credential*

*§80509(a)(3)*-This proposed deletion would eliminate the appeal for the administrative credential because it is seldom used and no other service credential is included in the appeal process.

**Documents Relied Upon in Preparing Regulations**

No reports were relied upon in preparing these regulations.

**Documents Incorporated by Reference**

No documents are Incorporated by Reference.

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments on the proposed action. The written comment period closes at 5:00 p.m. on July 16, 1997

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

**Submission of Written Comments**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing,

**Public Hearing**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact the Executive Director's office at (916)445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide twenty-five copies. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

**Modification of Proposed Action**

If the Commission proposes to modify the action hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**Contact Person/Further Information**

Inquiries concerning the proposed action may be directed to Dale Janssen, at (916) 323-5065. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

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**COMMISSION ON TEACHER CREDENTIALING**

**DIVISION VIII OF TITLE 5  
CALIFORNIA CODE OF REGULATIONS**

**PROPOSED AMENDMENT(S) TO SECTION 80509  
PERTAINING TO COMMISSION APPEALS**

**80509. Appeal Grounds and Procedure.**

(a) The applicant shall initiate an appeal by filing with the Executive Director a written notice stating that the applicant appeals a particular decision of the Commission staff regarding the application, on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements for the credential requested including, ~~but not limited to,~~ the specific requirements set forth in this section. Applicants appealing under (1) or (2) below must meet the requirements in Section 80413(a) of Title 5 Regulations if qualifying for the preliminary credential and Section 80413(a)&(b) if qualifying for the professional clear credential other than that requirement being appealed. as follows: Applicants appealing under 3 below must meet the requirements in Section 80048.2(b) of Title 5 Regulations other than that requirement being appealed.

(1) If the applicant is appealing to use actual teaching experience in lieu of the student teaching requirement for a Multiple or Single Subject Teaching Credential, the applicant must verify the completion of a minimum of three years of satisfactory classroom teaching experience in California. The experience shall meet the requirements described below:

(A) "Year of classroom teaching" means classroom teaching for the minimum school day applicable to the level taught for at least 75 percent of the number of days the regular schools of the district were in session in the school year.

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- (1) 1. A school day for a multiple subject assignment shall be at least four hours exclusive of non-instructional time.
  - (2) 2. A school day for a single subject assignment shall be no less than three periods per day of teaching experience.
  - (3) 3. Long-term substitute or replacement teaching assignments may be considered when such assignments include all of the functions of the teacher of record. To be considered, experience must be a minimum of one semester or its equivalent in hours—or—quarters (approximately 18 weeks) in the same assignment. Day to day substitute experience will not be cumulated to meet the requirement.
  - 4. At least one of the three years of experience shall be within the last three years.
- (B) Actual teaching experience submitted by the appellant shall be assessed in relation to the professional teacher preparation standards.
- (1) 1. The teaching experience shall be acquired after completion of a baccalaureate degree and professional teacher preparation program excluding student teaching verified in writing by an IHE with a teacher preparation program accredited by the Committee on Accreditation in the credential requested. Experience acquired concurrently with a the teacher preparation program will be considered only when verification from the IHE is submitted attesting to the fact that the university was is unable or unwilling to provide supervision of the current assignment to meet the student teaching requirement.
  - (2) ~~An appellant who has not been formally admitted to a teacher preparation program or who has been found to be ineligible for student teaching due to a lower grade point average (GPA) than is acceptable to the IHE, must submit verification from the IHE that all appeals through the university have been exhausted. The appellant may then appeal by presenting substantial compelling evidence of a minimum of three years of recent actual teaching experience (that meets all other criteria as established by the Commission) that is of such high quality that the Commissioners find the deficit GPA to be outweighed.~~
  - (3) 2. An appellant who has been admitted to student teaching by an IHE but who has failed to complete the requirement because the IHE found the student teaching below acceptable performance levels as set forth in the

IHE's program standards shall not have grounds for appeal.

- (C) The teaching experience shall be performed in public schools or agencies, or private schools accredited by the Western Association of Schools and Colleges (WASC) of equivalent status. ~~Schools of equivalent status have been determined by the State Department of Education to be comparable to the public schools; serve pupils of the same age group as the public schools; follow a secular curriculum; follow a public school time schedule; and serve a diverse group of students.~~ The appellant's employer or employers must verify that his or her competence and performance meet standards required of a student teacher.
- (D) The appellant must submit comprehensive evaluations of successful teaching experience as well as a statement from each employer which explains how the appellant was evaluated, supported, and supervised, and by whom. The evaluations for the last year of experience submitted must show satisfactory or higher ratings in all areas.
- (E) The teaching experience shall be of a level, scope and responsibility beyond the service performed by an aide, reader, assistant, paraprofessional, tutor, day-to-day substitute, children's center or special center permit holder, consultant, or student practitioner.
- (F) The teaching experience shall be appropriate to the level-setting of the credential being sought. For a Single Subject Teaching Credential the experience must be in a subject specified in Education Code Section 44257 which will be listed on the appellant's Single Subject Teaching Credential. For the Multiple Subject Teaching Credential the experience must be in self-contained settings.
- (G)
  - 1. ~~Adult school teaching experience, and military teaching experience, and teaching experience in other non-traditional settings in the subjects area of the credential being sought commonly taught in secondary schools may be used to meet up to one-half of the experience requirement, for a Single Subject Teaching Credential. This experience cannot be used for issuance of a Multiple Subject Teaching Credential.~~
  - 2. An appellant may use experience in a self-contained special education classroom for up to one half of the required experience. This option applies only to the Multiple Subject Teaching Credential. Appellants cannot combine this option with option (G) above



- (G) The appellant must submit in writing a statement that demonstrates his or her ability to develop, implement, and evaluate a variety of pedagogical approaches to teaching academic skills and content areas appropriate to the credential.
- (H)(2) A minimum of eight years of satisfactory teaching experience which have been acquired with no teacher preparation program may be considered by the Commission on an individual basis. The experience must be acquired after the completion of a baccalaureate degree. Such experience shall be verified in detail following criteria listed in (1)(A) and (C) through (G) above.
- (2) (3) If the appellant is appealing to use actual teaching experience in lieu of the student teaching requirement for a Specialist Instructional Credential in Special Education, the appellant must verify the completion of a minimum of three years of satisfactory special education experience in California. The experience shall meet the requirements described below:
- (A) "Year of classroom teaching" means classroom teaching for the minimum school day applicable to the level taught for at least 75 percent of the number of days the regular schools of the district were in session in the school year.
- (1) 1. A school day for a special education assignment shall be at least four hours exclusive of non-instructional time.
- (2) 2. Long-term substitute or replacement teaching assignments maybe considered when such assignments include all of the functions of the teacher of record. To be considered, experience must be a minimum of one semester or its equivalent in quarters (approximately 18 weeks) in the same assignment. Day to day substitute experience will not be cumulated to meet the requirement.
3. At least one of the three years of experience shall be within the last three years.
- (B) Actual teaching submitted by the appellant shall be assessed in relation to the professional special education teacher preparation standards .
- (1) 1. The teaching experience shall be acquired after completion of a baccalaureate degree and special education teacher preparation program excluding student teaching verified in writing by an IHE with a special education teacher preparation program accredited by the Committee on Accreditation in the area requested. Experience acquired concurrently with a the teacher preparation program will be considered only when

verification from the IHE is submitted attesting to the fact that the university was is unable or unwilling to provide supervision of the current assignment to meet the student teaching requirement.

- ~~(2)~~ 2. An appellant who has been admitted to student teaching by an IHE but who has failed to complete the requirement because the IHE found the student teaching below acceptable performance levels as set forth in the IHE's program standards shall not have grounds for appeal.
- (C) The teaching experience shall be performed in public schools or agencies, or non-public, non-sectarian schools or agencies certified by the California Department of Education. ~~private schools of equivalent status. Schools of equivalent status have been determined by the State Department of Education to be comparable to the public schools; serve pupils of the same age group as the public schools; follow a secular curriculum; follow a public school time schedule; and serve a diverse group of students.~~ The appellant's employer or employers must verify that he or she meets the same competency standards required of a student teacher.
- (D) The appellant must submit comprehensive evaluations of successful teaching experience as well as a statement from each employer which explains how the appellant was evaluated, supported, and supervised, and by whom. The evaluations for the last year of experience submitted must show satisfactory or higher ratings in all areas.
- (E) The teaching experience shall be of a level, scope and responsibility beyond the service performed by an aide, reader, assistant, paraprofessional, tutor, day-to-day substitute, children's center or special center permit holder, consultant, or student practitioner.
- (F) The teaching experience shall be appropriate to the authorized field of the Specialist Instruction Credential in Special Education being sought.
- (G) The appellant must submit in writing a statement that demonstrates his or her knowledge of basic principles and strategies of assessment, curriculum, and instruction that are appropriate for individuals with special needs.
- ~~(3) An applicant who is found to be ineligible for an Administrative Services Credential and who has exhausted all appeals through an IHE, may file an appeal with the Executive Director by presenting substantial compelling evidence of having equivalent coursework or experience that meets all requirements established in laws and regulations.~~

- (b) The petition shall be in writing and shall state the facts, information or circumstances upon which the appeal is based. The petition shall be signed and dated by the appellant, and shall include the following statement "I certify under the penalty of perjury that the facts stated herein are true and correct."

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NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252(a), Education Code. (~~Filed 5-24-93; operative 6-23-93; Register 93, No. 22~~).